

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CHUONG DUONG TONG,	§	
<i>Petitioner,</i>	§	
	§	
v.	§	
	§	CASE NO. 4:10-cv-02355
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	<b>DEATH PENALTY CASE</b>
Correctional Institutions Division,	§	
<i>Respondent.</i>	§	

**AMENDED ORDER FOR WRIT OF  
HABEAS CORPUS AD TESTIFICANDUM**

An evidentiary hearing is scheduled in this case for June 6, 2017, and the following days, as needed. Petitioner Chuong Duong Tong (“Petitioner”) seeks clarification of this Court’s Order Granting a Writ of Habeas Corpus *Ad Testificandum* [Doc. # 88] (“*Ad Testificandum* Order”) directing the Texas Department of Criminal Justice to transfer custody of Tong to the United States Marshal (“U.S. Marshal”), and directing the U.S. Marshal to bring Petitioner to federal court for the hearing. Petitioner requires time to meet with his attorney prior to the hearing. Respondent Lorie Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division (“Respondent”), is unopposed and granting this request is in the interests of justice. This Order completely supersedes the Court’s previous *Ad Testificandum* Order [Doc. # 88].

It is hereby **ORDERED** that, on **Monday, June 5, 2017**, Respondent shall transfer Petitioner to the custody of the United States Marshal at the United States

Courthouse no later than 10 a.m. The Marshal shall permit Petitioner to meet with his attorney, Jonathan Landers, from 10 a.m. to 4 p.m., in the United States Courthouse, 515 Rusk Street, Houston, Texas, in either an attorney visitation room on the Tenth Floor, or in Judge Atlas' jury room. At the conclusion of the meeting, if any, the Marshal shall retain custody of Petitioner and house him at the Federal Detention Center, Houston, Texas. ***IF*** Petitioner determines he will not need to meet with his counsel at the U.S. Courthouse on Monday, June 5, 2017, his attorney shall notify the Respondent's attorney, Matthew Ottoway, Esq., by email, no later than 4 p.m. on Friday, June 2, 2017, and Respondent need ***not*** transfer Petitioner to the U.S. Courthouse on Monday, June 5, 2017.

It is further **ORDERED** that, in any event, Respondent must deliver Petitioner to the U.S. Marshal at the U.S. Courthouse, by **8 a.m. on June 6, 2017**, unless previously delivered. If previously delivered, the Marshall shall bring Petitioner to the U.S. Courthouse by **8 a.m. on June 6, 2017**.

It is further **ORDERED** that at the end of each hearing day, the Marshal shall retain custody of Petitioner and house him at the Federal Detention Center, Houston, Texas. The Marshal shall deliver him to court each day until the hearing is concluded. At the conclusion of the hearing, the Marshall shall return Petitioner to the custody of Respondent.

Signed this 2<sup>nd</sup> day of June, 2017.

  
NANCY F. ATLAS  
SENIOR UNITED STATES DISTRICT JUDGE